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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 STACY PENNING, et al.,

11 Plaintiffs,

12 v.

13 MICROSOFT CORPORATION,

14 Defendant.

CASE NO. C25-0570JLR

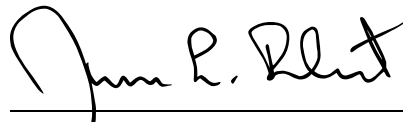
ORDER

15 Before the court is Defendant Microsoft Corporation's ("Microsoft") motion to
16 dismiss this matter for lack of standing and for failure to state a claim. (MTD (Dkt.
17 # 14).) Throughout its brief, Microsoft cites this court's dismissal order in *Popa v. PSP*
18 *Group, LLC* in support of its argument that Plaintiffs lack Article III standing to bring
19 this case. (*See, e.g., id.* at 2 (quoting *Popa v. PSP Grp. LLC*, No. C23-0294, 2023 WL
20 7001456, at *4 (W.D. Wash. Oct. 24, 2023)); *see also id.* at 4, 8, 9, 10 (citing or quoting
21 *Popa*).) The court's dismissal order in *Popa*, however, is currently on appeal to the Ninth
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1 Circuit Court of Appeals, which heard oral argument on the matter on January 16, 2025.
2 *See Popa v. PSP Grp. LLC*, No. 24-14 (9th Cir. Jan. 16, 2025), Dkt. # 64.

3 Because the Ninth Circuit’s decision in *Popa* is likely to provide guidance on how
4 to analyze the standing issues in this case, it is the view of the court that a stay of this
5 action pending the resolution of the *Popa* appeal will further the interests of judicial
6 economy and minimize the risk of inconsistent rulings. *See Landis v. N. Am. Co.*, 299
7 U.S. 248, 254 (1936) (holding that the power to stay is “incidental to the power inherent
8 in every court to control the disposition of the causes on its docket with economy of time
9 and effort for itself, for counsel, and for litigants”); *Leyva v. Certified Grocers of Cal.,*
10 *Ltd.*, 593 F.2d 857, 863 (9th Cir. 1979) (“A trial court may, with propriety, find it is
11 efficient for its own docket and the fairest course for the parties to enter a stay of an
12 action before it, pending resolution of independent proceedings which bear upon the
13 case.”). Therefore, the court ORDERS the parties to show cause why the court should
14 not stay this matter pending the issuance of the mandate in the *Popa* appeal. The parties’
15 responses shall be no more than 1,200 words in length and shall be filed by no later than
16 **July 1, 2025**. Failure to respond to this order will be construed as consent to a stay.

17 Dated this 24th day of June, 2025.

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21 JAMES L. ROBART
22 United States District Judge